



## Request for City Council Committee Action from the Department of Community Planning & Economic Development – Planning Division

**Date:** September 28<sup>th</sup>, 2006

**To:** Council Member Gary Schiff, Chair, Zoning and Planning Committee  
Members of the Committee

**Referral to:** Zoning and Planning Committee

**Subject:** Appeal of the Board of Adjustment action approving a variance for property located at 2223 West 49<sup>th</sup> Street (BZZ-3154) by Jason Kourkoules.

**Recommendation:** The Board of Adjustment adopted the staff recommendation and approved a variance to decrease the required reverse corner front yard setback from 20 feet to 13 feet to allow for the construction of a two story addition to the rear of the existing dwelling at 2223 West 46<sup>th</sup> Street in the R1A, Single Family District

**Previous Directives:** N/A

**Prepared or Submitted by:** Brian Schaffer, City Planner, 612-673-2670

**Approved by:** Jack Byers, Planning Supervisor, 612-673-2634

**Presenters in Committee:** Brian Schaffer, City Planner

### Financial Impact (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
- Action requires an appropriation increase to the \_\_\_\_\_ Capital Budget or \_\_\_\_\_ Operating Budget.
- Action provides increased revenue for appropriation increase.
- Action requires use of contingency or reserves.
- Business Plan: \_\_\_\_\_ Action is within the plan. \_\_\_\_\_ Action requires a change to plan.
- Other financial impact (Explain):
- Request provided to department's finance contact when provided to the Committee Coordinator.

### Community Impact (use any categories that apply)

**Ward:** 13

**Neighborhood Notification:** The North Loop Neighborhood Association was notified of this application by letter, mailed on June 26, 2006. There is correspondence from the North Loop

Neighborhood Association included in the staff report.

**City Goals:** See staff report.

**Comprehensive Plan:** See staff report.

**Zoning Code:** See staff report.

**Living Wage/Job Linkage:** Not applicable.

**End of 60/120-day Decision Period:** On September 11, 2006, the applicant was sent a letter by Planning staff extending the decision period to no later than November 22, 2006.

**Other:** Not applicable.

**Background/Supporting Information Attached:** Mark Rabinovitch of 2219 West 49<sup>th</sup> Street has filed an appeal of the decision of the Zoning Board of Adjustment approving the reduced reverse corner front yard setback variance. The Zoning Board of Adjustment voted 7-0 to approve the variance on August 17, 2006. The applicant filed an appeal on August 28, 2006. The applicant's statement is included in the staff report.

# Board of Adjustment Hearing Testimony and Actions

Thursday, August 17, 2006  
2:00 p.m., Room 317 City Hall

**Board Membership:** Mr. Matt Ditzler, Mr. David Fields, Mr. John Finlayson, Mr. Paul Gates, Ms. Marissa Lasky, Mr. Matt Perry, Mr. Peter Rand

The Board of Adjustment of the City of Minneapolis will meet to consider requests for the following:

8. **2223 West 49<sup>th</sup> Street (BZZ-3154, Ward 13)**

Jason Kourkoules, on behalf of William and Lisa Lundberg, has filed a variance to reduce the required front yard setback along Penn Avenue South from 20 ft. to 13 ft. 11 in. to allow for a two-story addition that includes an attached, tuck-under garage and a rear deck at 2223 West 49<sup>th</sup> Street in the R1A Single-family District.

**CPED Department Planning Division Recommendation by Mr. Schaffer:**

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the variance to reduce the required reverse corner side yard setback along Penn Avenue South from 20 feet to 13 feet to allow for the construction of a two story addition to the rear of the existing dwelling at 2223 West 46<sup>th</sup> Street in the R1A, Single Family District.

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## **TESTIMONY**

**Finlayson:** How many sq. ft. above grade currently exists and how many after.

**Brian Schaffer (staff):** The current home is 32' wide and 35' long. The addition is 24' wide and 32' long, so it will basically double the floor plan above grade.

**Ditzler:** So according to the elevation it will be a two...

**Brian Schaffer (staff):** It will be a two stall, two door, tuck under garage. Is that what you're asking?

**Ditzler:** Yes, okay, I've got it. Thanks.

**Finlayson:** Any further questions? I see none at this point, thank you. Is the applicant present? Name and address for the record please.

**Applicant:** Jason Kourkoules, Address 5700 1<sup>st</sup> Avenue South, Minneapolis, MN. I don't have much more to add. Basically the condition, the nature of this lot being a reverse corner lot, gives the lot two front yard setbacks, like he said the 20' plus the 5 yard, side yard setbacks only gives you 20' to build a garage off of that and that's basically why the variance is being asked for. Just because of the nature of the lot, the reverse corner lot. We're within the hard cover of 60% of the total lot coverage and the height restrictions, so we are basically complying with all the codes of the city and the zoning and all that ... the planning.

**Finlayson:** Do you have the number for the finished square footage after it's been completed, that is above grade?

**Jason Kourkoules:** Above grade. I don't have that.

**Finalyson:** Total?

**Jason Kourkoules:** Total square footage, I don't have that either. It is adding 800, basically the footprint of what is being put back is 880 square feet, to the existing building, but we are also taking off about 620 square feet, so the footprint will be probably adding about 200 square feet to the footprint of the building.

**Finlayson:** Does staff concur?

**Brian Schaffer (staff):** In regards to the footprint yes.

**Finlayson:** Thank you. Any further questions?

**Jason Kourkoules:** Thank you.

**Finlayson:** Anyone else to speak in favor? Yes. Name and address please.

**Speaker:** James Christopher Seargent, 3835 Penn Avenue South, Minneapolis. I submitted written comments this morning to Mr. Schaffer. They should be available to you. We are directly across the corner, and we have direct line of sight to the property. We have known the Lundberg's since they have moved in in approximately 1999. We have owned our property since 1997. They have maintained the property in excellent condition, they are fabulous neighbors, excellent community members and we have no opposition what so ever to the line of site as the proposed structure would stand. We support their proposal.

**Finalyson:** Thank you. Anyone else to testify in favor?

**Speaker:** My name is Dan Patton; I live at 4916 Oliver Avenue South. We are to the east on the block, we have direct line of sight into what is the proposed extension on the building. We have absolutely no opposition to it. I also submitted comments to Mr. Schaffer this morning or this afternoon. We think that it is a nice addition to the neighborhood. It is not creating a mini-mansion or a McMansion as some of the local papers have called some of these other teardown/rebuilds. We think it is well within

reasonableness and is very attractive and does not detract at all from our line of sight directly into the back of the home.

**Finlayson:** Thank you. Anyone else to speak in favor?

**Speaker:** My name is Stephanie Heglund. I live at 4948 Oliver, which is to the east and to the south. I submitted comments this morning as well. I've lived in the neighborhood for 11 years. I would certainly concur that the Lundberg's are a great addition to our neighborhood. My children play with their children. We all go to school together, or the kids all go to school together. Like the Lundberg's, my husband and I were searching for an option for a bigger home, we each have three children in our homes and, while we absolutely love the quaint charming style of our southwest Minneapolis home, the three bedrooms, one bath homes that were built in the early 1920's really don't fit current lifestyles today. Our property values and our taxes have gone up so much, that it is very difficult to find a home that can accommodate our families in our neighborhoods. For that reason, my husband and I, after having looked at a number of other houses that we could not afford, decided to do an addition a year or so ago, and we more than doubled our square footage on Oliver, much as the Lundberg's are hoping to do. There are not a lot of options. If you look up and down our street you can pretty much see that both Oliver and 49<sup>th</sup> that most every home has done some sort of addition to accommodate current lifestyles. Without the ability to do that people are being driven out into the suburbs and that would be really unfortunate because the city is a great city and we all love living here and we would like to keep really solid citizens in our community. Thanks.

**Finlayson:** Thank you. Anyone else to speak in favor? Anyone to speak against?

**Speaker:** I'm Mark Robenovich, 2219 West 49<sup>th</sup> Street. I'm here to oppose the granting of the variance to 2223 West 49<sup>th</sup> Street to reduce the setback. I've lived for 30 years at 2219 West 49<sup>th</sup> and next door to the property in question. It's not so comfortable to oppose a neighbor's plans, but in this case, we've been in litigation regarding the property line between our two houses for almost 2 years now. This matter has not yet been completely resolved. The owners of 2223 do not yet own the land in dispute on the eastern boundary, depicted on their plans, and therefore there may be setback problems until our dispute has been resolved. I oppose the requested variance because I believe the proposed addition is completely out of scale with the other homes on the block. There are numerous examples in Southwest Minneapolis of McMansion additions and rebuilds that overwhelm their neighborhoods and I believe this will be another one. These mega homes are a concern to many in our neighborhood. You have on file letters from several neighbors that were not able to be here, but who share my concerns about this. An approximately 7' long structure built tightly along Penn Avenue will create a walled affect that I think is more appropriate for a commercial zone or an apartment zone or whatever rather than to our residential neighborhood. The planning department noted that the proposed addition will result in shadowing of the adjacent dwelling to the east, which is my home. It will adversely affect back yard gardens, planted by my elderly mother, and will lower the value of my house. I would note then, and agree that many families in the neighborhood have built additions there, including myself. All were done without the need for, what I consider to be, an extreme variance which would be needed

for 2223. All the other additions were considerably smaller that I'm aware of and were scaled to fit in the neighborhood. I believe the proposed addition will harm the character of our neighborhood and will lower the value of the surrounding homes.

**Finlayson:** Thank you. Anyone else to speak against? I see no one. We will close the public portion of this item. Before we begin board comment I would make the observation that if this was not a reverse corner lot we would not be hearing it. They would just go ahead with it. Mr. Rand.

**Rand:** I move approval of staff recommendations, and unlike our last testimony, I think this is a fitting edge on a busy street, Penn, for the inner sanctums of 49<sup>th</sup> and for Penn or Oliver and so on. I have absolutely no trouble with it. I think the stepping of the roof line to the south will provide you enough, or plenty of light on an interior lot, and I move acceptance of staff recommendation.

**Finlayson:** Is there a second?

**Lasky:** Second.

**Finlayson:** Yes I would further comment that I publicly made a position on McMansions as they are called. I don't feel this qualifies as it's an in scale addition and I think it's a good thing to be doing rather than be ripping it down and putting up some behemoth, I think it's a nice addition. Ms. Lasky.

**Lasky:** I concur with you. I also read the articles from the neighbors; I have never read so many strong, strong articles in support of an addition. I can't say how much I applaud them.

**Finlayson:** Please call a roll.

Ditzler: Yes

Fields: Yes

Finlayson: Yes

Gates: Yes

Lasky: Yes

Perry: Yes

Rand: Yes

Passed.

**Department of Community Planning and Economic Development – Planning Division****Variance Request  
BZZ-3154**

**Date:** August 17, 2006

**Applicant:** Jason Kourkoules on behalf of Dr. William Lundberg

**Address of Property:** 2223 49<sup>th</sup> Street West

**Contact Person and Phone:** Jason Kourkoules, (952) 925-9455

**Planning Staff and Phone:** Brian Schaffer, (612) 673-2670

**Date Application Deemed Complete:** July 25, 2006

**Public Hearing:** August 17, 2006

**Appeal Period Expiration:** August 28, 2006

**End of 60 Day Decision Period:** September 23, 2006

**Ward:** 13      **Neighborhood Organization:** Lynnhurst Neighborhood Association

**Existing Zoning:** R1A, Single-family Residential District & SH, Shoreland Overlay District

**Proposed Use:** A two-story addition to the rear addition of a single family home to accommodate living space, an attached tuck-under garage, and a deck.

**Proposed Variance:** A variance to reduce the required front yard setback along Penn Avenue South from 25 ft. to 13 ft. to allow for a two-story addition that includes an attached, tuck-under garage and a rear deck at 2223 West 49<sup>th</sup> Street in the R1A Single-family District.

**Zoning code section authorizing the requested variance:** 525.520 (1)

**Background:** The subject property is located on a reverse corner lot that is approximately 45 ft. by 150 ft. (6,750sq. ft.). The property currently contains a two story single family dwelling with an attached two car garage with a roof top deck. The existing dwelling, at its closest to the Penn Avenue South, is located 9 feet from the west side property line. The existing attached garage is 9 feet 6 inches from the west side property and extends 19 feet south from the existing dwelling. The existing roof top deck extends 22 feet south from the existing dwelling and is the width of the dwelling. The existing dwelling is located approximately 3.5 feet from the east interior side property line.

The applicant is proposing to construct a two-story rear addition to the existing dwelling with a two car tuck-under garage. The addition will be approximately 24 feet wide and will be stepped in from the existing west building wall along Penn Avenue and will be 13 feet 11 inches from the west property line. The addition will extend 31 feet south from the existing dwelling, approximately 8 feet further south than the existing deck. The addition will also be stepped in from the existing east building wall and will be located 5 feet 2 inches from the east interior side property line. The district interior side yard setback is five feet.

**Findings Required by the Minneapolis Zoning Code:**

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The applicant has requested a variance to reduce the reverse corner side yard setback along Penn Avenue South from 20 feet to 13 feet to allow for a two story addition to a single family dwelling. The foot print of the addition will be approximately 24 x 31 feet. Strict adherence to the Zoning Ordinance prohibits a principle structure to be located less than the 20 feet from the reverse corner side property line and would not allow for the proposed addition to the existing single-family dwelling. The current home is located 9 feet from the west side property line. The Zoning Ordinance allows for a detached garage to be located at 67 percent of district setback on reverse corner lots. The district setback in this instance is 20 feet and would allow a detached garage up to 26 feet by 26 feet in size to be built 13 feet 5 inches away from west side property line along Penn Avenue. Staff believes the addition is a reasonable use of the property and recognizes the hardship on the property created by the location of the subject dwelling.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The circumstances upon which the setback variance is requested are unique to the parcel of land due to the location of the existing dwelling. As previously mentioned, the subject dwelling is located 9 feet from the north corner side property line. The width of the lot is 45 feet, which is five feet greater than minimum lot width for the R1A District. However, the east interior lot line jogs in two feet at approximately one hundred feet into the lot; resulting in a lot width of 43 where the addition is proposed. The width of the proposed addition is 24 feet wide, leaving 19 feet to meet the twenty foot reverse corner side yard setback and five foot interior side yard setback. These circumstances are unique to this parcel and were not created by the applicant.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Staff believes that the construction of the addition to the single-family dwelling will not alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity. The southern building wall of the addition will be 46 feet from the south property line, which will minimize the impact of the addition to the adjacent properties to the south. The impact of the added bulk from the addition will be lessened by stepping in from the existing building wall of the garage, which is setback approximately 9 feet 6 inches from the property line, to the proposed addition which is setback 13 feet 11 inches from the west property line.

The proposed two story addition will appear to be three stories from Penn Avenue South due to the tuck under garage. The proposed addition steps down in the rear from two stories to one story, which will also lessen the visual impact of the added bulk. The tuck under garage will extend 31 feet in length from the existing dwelling. The main floor will extend out 28 feet with a deck extending out another 5 feet. The second story will extend 23 feet south from the existing dwelling. This results in the appearance of a five foot setback per story.

The added bulk from the proposed addition will likely have the greatest impact to the adjacent property to the east, 2219 49<sup>th</sup> Street West. The adjacent dwelling, at 2219 49<sup>th</sup> Street W, has a two story addition that extends roughly 8 to 10 feet beyond the existing subject dwelling at 2223 49<sup>th</sup> Street West. The proposed two-story addition would likely result in shadowing on the adjacent dwelling to the east. However, the proposed addition adheres to the permitted height and lot coverage requirements in the Zoning Ordinance and is setback 2 inches further from the east interior lot line than is required. Forty-six feet of open space between the rear of the addition and the rear property line still remain after the proposed addition. Staff does not believe the construction of the addition as proposed will alter the essential character of the neighborhood or be injurious to the use or enjoyment of other property in the vicinity.

**4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Granting the setback variance would likely not increase the impact on the congestion of area streets or fire safety, nor would it be detrimental to the public welfare or endanger the public safety.

**Recommendation of the Department of Community Planning and Economic Development - Planning Division:**

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the variance to reduce the required reverse corner side yard setback along Penn Avenue South from 20 feet to 13 feet to allow for the construction of a two story addition to the rear of the existing dwelling at 2223 West 46<sup>th</sup> Street in the R1A, Single Family District subject